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10 Attorneys for Plaintiff
11 Tammy R. Bogroff

12 **UNITED STATES DISTRICT COURT**
13 **DISTRICT OF NEVADA**
14

15 TAMMY R. BOGROFF,)	Case No.: 2:13-cv-00267-JCM-NJK
16 Plaintiff,)	
17 vs.)	STIPULATION FOR THE AWARD
)	AND PAYMENT OF ATTORNEY
18 CAROLYN W. COLVIN, Acting)	FEES AND EXPENSES PURSUANT
19 Commissioner of Social Security,)	TO THE EQUAL ACCESS TO
)	JUSTICE ACT, 28 U.S.C. § 2412(d)
20 Defendant.)	AND COSTS PURSUANT TO 28
)	U.S.C. § 1920
)	
)	

21
22 TO THE HONORABLE NANCY J. KOPPE, MAGISTRATE JUDGE OF
23 THE DISTRICT COURT:

24 IT IS HEREBY STIPULATED by and between the parties through their
25 undersigned counsel, subject to the approval of the Court, that Tammy R. Bogroff
26 be awarded attorney fees and expenses in the amount of four thousand four

1 hundred dollars (\$4,400.00) under the Equal Access to Justice Act (EAJA), 28
2 U.S.C. § 2412(d). This amount represents compensation for all legal services
3 rendered on behalf of Plaintiff by counsel in connection with this civil action, in
4 accordance with 28 U.S.C. §§ 1920; 2412(d).

5 After the Court issues an order for EAJA fees to Tammy R. Bogroff, the
6 government will consider the matter of Tammy R. Bogroff's assignment of EAJA
7 fees to Marc V. Kalagian. The retainer agreement containing the assignment is
8 attached as exhibit 1. Pursuant to *Astrue v. Ratliff*, 130 S.Ct. 2521, 2529 (2010),
9 the ability to honor the assignment will depend on whether the fees are subject to
10 any offset allowed under the United States Department of the Treasury's Offset
11 Program. After the order for EAJA fees is entered, the government will determine
12 whether they are subject to any offset.

13 Fees shall be made payable to Tammy R. Bogroff, but if the Department of
14 the Treasury determines that Tammy R. Bogroff does not owe a federal debt, then
15 the government shall cause the payment of fees, expenses and costs to be made
16 directly to Law Offices of Rohlfing & Kalagian, LLP pursuant to the assignment
17 executed by Tammy R. Bogroff.¹ Any payments made shall be delivered to Marc
18 V. Kalagian.

19 This stipulation constitutes a compromise settlement of Tammy R.
20 Bogroff's request for EAJA attorney fees, and does not constitute an admission of
21 liability on the part of Defendant under the EAJA or otherwise. Payment of the
22 agreed amount shall constitute a complete release from, and bar to, any and all
23 claims that Tammy R. Bogroff and/or Marc V. Kalagian including Law Offices of
24

25 ¹ The parties do not stipulate whether counsel for the plaintiff has a cognizable lien
26 under federal law against the recovery of EAJA fees that survives the Treasury
Offset Program.

1 Rohlfig & Kalagian, LLP may have relating to EAJA attorney fees in connection
2 with this action.

3 This award is without prejudice to the rights of Marc V. Kalagian and /or the
4 Law Offices of Rohlfig & Kalagian, LLP to seek Social Security Act attorney
5 fees under 42 U.S.C. § 406(b), subject to the savings clause provisions of the
6 EAJA.

7 DATE: August 5, 2016

Respectfully submitted,

8 ROHLFIG & KALAGIAN, LLP

9 /s/ *Marc V. Kalagian*

10 BY: _____

Marc V. Kalagian

11 Attorney for plaintiff Tammy R. Bogroff

12 Of Counsel:

13 Monica Perales
14 Attorney at Law

15 DATED: August 5, 2016

DANIEL G. BOGDEN
16 United States Attorney

17 /s/ *Sharon Lahey*

18 BY: _____

19 SHARON LAHEY

Assistant Regional Counsel

20 Attorneys for Defendant

(Per e-mail authorization)

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the county of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is 12631 East Imperial Highway, Suite C-115, Santa Fe Springs, California 90670.

On this day of August 5, 2016, I served the foregoing document described as STIPULATION FOR THE AWARD AND PAYMENT OF ATTORNEY FEES AND EXPENSES PURSUANT TO THE EQUAL ACCESS TO JUSTICE ACT, 28 U.S.C. § 2412(d) AND COSTS PURSUANT TO 28 U.S.C. § 1920 on the interested parties in this action by placing a true copy thereof enclosed in a sealed envelope addressed as follows:

Ms. Tammy R. Bogroff
4548 Via San Marco
Las Vegas, NV 89103

I caused such envelope with postage thereon fully prepaid to be placed in the United States mail at Santa Fe Springs, California.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

I declare that I am employed in the office of a member of this court at whose direction the service was made.

Monica Perales
TYPE OR PRINT NAME

/s/ Monica Perales
SIGNATURE

**CERTIFICATE OF SERVICE
FOR CASE NUMBER 2:13-CV-00267-JCM-NJK**

I hereby certify that I electronically filed the foregoing with the Clerk of the Court for this court by using the CM/ECF system on August 5, 2016.

I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system, except the plaintiff served herewith by mail.

/s/ Marc V. Kalagian

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Attorneys for Plaintiff

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Attorneys for Plaintiff
Tammy R. Bogroff

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

TAMMY R. BOGROFF,

Plaintiff,

vs.

CAROLYN W. COLVIN, Acting
Commissioner of Social Security,

Defendant

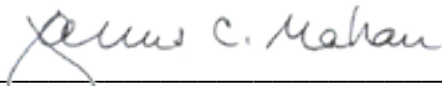
) Case No.: 2:13-cv-00267-JCM-NJK
)
) ORDER AWARDING
) EQUAL ACCESS TO JUSTICE ACT
) ATTORNEY FEES AND EXPENSES
) PURSUANT TO 28 U.S.C. § 2412(d)
) AND COSTS PURSUANT TO 28
) U.S.C. § 1920
)
)

Based upon the parties' Stipulation for the Award and Payment of Equal
Access to Justice Act Fees, Costs, and Expenses:

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1 IT IS ORDERED that fees and expenses in the amount of \$4,400.00 as
2 authorized by 28 U.S.C. § 2412 be awarded subject to the terms of the Stipulation.

3 DATE: August 8, 2016.

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6 UNITED STATES DISTRICT JUDGE
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